

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

DARWIN and CHERYL WATTS, on behalf of
themselves and all others similarly situated,

Case No. 1:10-cv-753

Plaintiffs,

Hon. Gordon J. Quist

v.

ENBRIDGE ENERGY, L.P., a Delaware Limited Partnership,
ENBRIDGE PIPELINES (LAKEHEAD), L.L.C., a Delaware Limited
Liability Company, and ENBRIDGE PIPELINES (WISCONSIN), INC.
a Wisconsin Corporation, Jointly and Severally,

Defendants.

**THE WATTS PLAINTIFFS' RESPONSE TO DEFENDANT ENBRIDGE
ENERGY, LIMITED PARTNERSHIP'S MOTION FOR CONSOLIDATION**

STATEMENT OF ISSUES PRESENTED

1. Should the class actions filed against Enbridge Energy, Limited Partnership be consolidated?

The Watts Plaintiffs Answer: Yes

2. Should Plaintiffs be ordered to file a Consolidated Amended Complaint before the Court appoints interim lead counsel for Plaintiffs?

The Watts Plaintiffs Answer: No

**THE WATTS PLAINTIFFS' RESPONSE TO DEFENDANT ENBRIDGE
ENERGY, LIMITED PARTNERSHIP'S MOTION FOR CONSOLIDATION**

In its Motion, Enbridge Energy, Limited Partnership ("Enbridge") requests that the following putative class actions filed against it – and other Enbridge entities – be consolidated:

- *Volstromer v. Enbridge*, Case No. 10-cv-752;
- *Watts v. Enbridge*, Case No. 10-cv-753;
- *Bell v. Enbridge*, Case No. 10-cv-1003;
- *Robinson v. Enbridge*, Case No. 10-cv-1007;
- *Matthews v. Enbridge*, Case No. 10-cv-838.

The Watts Plaintiffs granted their concurrence in this relief and continue to support consolidation.

However, the Watts Plaintiffs oppose Enbridge's request that the plaintiffs be ordered to file a single consolidated complaint for pre-trial purposes. The filing of a consolidated complaint is premature and should not occur until a leadership structure for plaintiffs is in place.

The Watts Plaintiffs previously filed a Motion for Consolidation, in which they sought to be appointed class representatives and to have their counsel appointed as interim lead counsel. The Motion was set for argument before Magistrate Judge Ellen S. Carmody on October 1, 2010. Magistrate Judge Carmody determined that the motion was premature, deferred a decision on leadership and suggested that once the cases were consolidated, the appropriate next step would be a status conference before Judge Quist to address case management issues and to determine how to proceed regarding leadership of the class action.

The Watts Plaintiff believe that arguments relating to leadership should be deferred until after a status conference or other Order from the Court and do not believe it is necessary to file a consolidated amended complaint until after a leadership structure is in place. Filing a consolidated

amended complaint prior to leadership being established would lead to duplication of efforts and would unnecessarily waste the resources of the class.

CONCLUSION

For all the foregoing reasons, the Watts Plaintiffs concur in Enbridge's request for consolidation of the actions but oppose Enbridge's request that a consolidated amended complaint be filed.

Respectfully submitted,

THE MILLER LAW FIRM, P.C.

Attorneys for Plaintiffs

By: /s/ David H. Fink
David H. Fink (P28235)
E. Powell Miller (P39487)
Marc L. Newman (P51393)
950 W. University Dr., Ste. 300
Rochester, Michigan 48307
dhf@millerlawpc.com
(248) 841-2200

Dated: October 29, 2010

MILLER JOHNSON

Attorneys for Plaintiffs

By: James R. Peterson (P43102)
Jon R. Muth (P18138)
David J. Gass (P34582)
Avenue N.W., Suite 800
Grand Rapids, Michigan 49503
(616) 831-1700

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send such notification to all ECF attorneys of record.

Respectfully submitted,
THE MILLER LAW FIRM, P.C.

Attorneys for Plaintiffs

By: /s/ David H. Fink
David H. Fink (P28235)
E. Powell Miller (P39487)
Marc L. Newman (P51393)
950 W. University Dr., Ste. 300
Rochester, Michigan 48307
dhf@millerlawpc.com
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